

REMARKS

The present application was filed on March 31, 2004 with claims 1 through 21. Claims 1 through 23 are presently pending in the above-identified patent application. Claims 1 and 9 are proposed to be amended herein. Following a restriction requirement, claims 14-23 are withdrawn from further consideration, without prejudice.

The Examiner objected to the Declaration as being defective because the full name of each inventor was not set forth. In addition, the Examiner rejected claims 1-13 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 1 and 9 are rejected under 35 U.S.C. §102(b) as being anticipated by Jones et al. (United States Patent Number 5,655,077, hereinafter "Jones"). Claims 2, 3, 6 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jones et al., in view of Jemes et al. (United States Patent Publication Number 2001/0042213, hereinafter "Jemes"). Claims 4 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jones, in view of Noguchi et al. (United States Patent Publication Number 2003/0005333, hereinafter "Noguchi"). Claims 5 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jones, in view of Manchin (United States Patent Publication Number 2004/0049567, hereinafter "Manchin"). Claims 7 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jones, in view of Daenen et al. (United States Patent Publication Number 2003/0140151, hereinafter "Daenen"). Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Jones, in view of Hoene et al. (United States Patent Publication Number 2002/0199116, hereinafter "Hoene").

Declaration

The Examiner objected to the Declaration as being defective because the full name of each inventor was not set forth. The full legal name of the inventor, P. Krishnan, however, has been fully set forth. The first legal name of Mr. Krishnan is "P". See, for example, United States Patent Nos. 7,272,394, 7,188,189, 6,606,710.

Information Disclosure Statement

The Examiner has indicated that references 4 and 5 from the Information Disclosure Statement submitted on March 15, 2004 have not been considered because no publication date was set forth. Applicants submit that no publication date was set forth

because no publication date appears on the printed documents. Applicants have indicated the date on which the documents were downloaded. Applicants submit that these references should be considered by the Examiner. Applicants request that the Examiner assume that these documents are published prior to the filing date of the present application. In any event, Applicants specifically request consideration of these references.

The Examiner has not provided any procedural support for refusing to consider undated references.

Section 101 Rejection

The Examiner rejected claims 1-13 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. The Examiner asserts that the claims do not provide a useful result. Independent claims 1 and 9 have been amended to emphasize the useful result (providing a result...) provided by the present invention.

Independent Claims 1 and 9

Independent claims 1 and 9 were rejected under 35 U.S.C. §102(b) as being anticipated by Jones et al. With regard to claims 1 and 9, the Examiner asserts that Jones et al. disclose a method for authenticating a device connecting to a first network (a network associated with a secondary logon provider; Fig. 5 and col. 2, lines 36-41), comprising: determining if said device connected to at least one other network (other network comprising the network associated with the primary login provider; step 705 in Fig. 7 and col. 8, lines 34-39); and evaluating a content (comprising a username and password) of said device based on whether said device connected to at least one other network (username and password for secondary network depend on whether connection to other network was successful; steps 706 and 714; col. 8, lines 39-47; and col. 9, lines 20-22).

Independent claims 1 and 9 have been amended to emphasize that a device connecting to a first network is authenticated based on whether the device *previously* connected to at least one other network. An integrity of data content of the device is then evaluated based on whether the device *previously* connected to at least one other network. Support for this amendment can be found in the original claims (past tense of “connected”) as well as page 12, lines 28-30.

Applicants submit that Jones et al. clearly evaluate whether there is another *current* network connection. "In step 705, the MPR code determines whether the invoked logon routine has returned a status that indicates that the primary logon provider *is actively (and successfully) connected* to a device (or pseudo-device) ..." Col. 8., lines 34-39 (emphasis added).

Thus, Jones et al. do not disclose or suggest "evaluating an integrity of data content of said device based on whether said device *previously* connected to at least one other network," as required by independent claims 1 and 9.

Applicants respectfully request the withdrawal of the rejection of independent claims 1 and 9.

Dependent Claims

Claims 2-8 and 10-13 are dependent on independent claims 1 and 9, and are therefore patentably distinguished over Jones et al., Jemes et al. Noguchi et al. Manchin Daenen et al. and Hoene et al., because of their dependency from independent claims 1 and 9 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.


Conclusion

All of the pending claims following entry of the amendments, i.e., claims 1-13, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated.

Respectfully submitted,



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